

1 lawfully in possession of [~~sueh~~] the automobile, for the
2 reasonable value of [~~sueh~~] the services and for costs incurred
3 in enforcing the lien. If the proceeds from the foreclosure of
4 a lien and the sale of the automobile are insufficient to
5 satisfy the amount of the lien after payment of the reasonable
6 expenses of foreclosing the lien, the registered owner of the
7 automobile shall be liable for any deficiency. A peace officer
8 who requests towing, storage or wrecker service for a wrecked,
9 abandoned or stolen vehicle shall be deemed a person lawfully
10 in possession of [~~sueh~~] the vehicle within the meaning of this
11 section. The lien created under this section shall be
12 perfected under [~~Section 61-3-11 and 61-3-12 New Mexico~~
13 ~~Statutes Annotated, 1953 Compilation]~~ Sections 48-3-13 and
14 48-3-14 NMSA 1978."

15 Section 2. Section 57-16A-2 NMSA 1978 (being Laws 1985,
16 Chapter 220, Section 2, as amended) is amended to read:

17 "57-16A-2. DEFINITIONS.--As used in the Motor Vehicle
18 Quality Assurance Act:

19 A. "collateral charges" means additional charges to
20 a consumer not directly attributed to a manufacturer's
21 suggested retail price label for a new motor vehicle and
22 includes all taxes, license, title and registration fees and
23 other governmental charges related to the purchase of the
24 vehicle;

25 B. "comparable motor vehicle" means an identical or

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1 reasonably equivalent motor vehicle;

2 C. "consumer" means the purchaser, other than for
3 purposes of resale, of a new or used motor vehicle normally
4 used for personal, family or household purposes, a person to
5 whom such a motor vehicle has been transferred during the
6 duration of an express warranty applicable to the motor vehicle
7 and any other person entitled by the terms of the warranty to
8 enforce the obligations of the warranty;

9 D. "express warranty" means a written affirmation
10 of the fact of promise made by a manufacturer to a consumer in
11 connection with the sale of a new or used motor vehicle that
12 relates to the nature of the material or workmanship or to a
13 specified level of performance over a specified period of time,
14 including any terms or conditions precedent to the enforcement
15 of obligations pursuant to the warranty;

16 E. "manufacturer" means a person engaged in the
17 manufacturing, assembling, importing or distributing of a motor
18 vehicle as a regular business;

19 F. "motor vehicle" means a passenger motor vehicle,
20 including an automobile, pickup truck, motorcycle or van
21 normally used for personal, family or household purposes, that
22 is sold and registered in this state and whose gross vehicle
23 weight is less than ten thousand pounds;

24 G. "used motor vehicle" means a motor vehicle that
25 has been sold, bargained or exchanged or a motor vehicle that

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1 is the subject of a title that has been transferred from the
2 person who first acquired the motor vehicle from the
3 manufacturer, importer or dealer or agent of the manufacturer
4 or importer and that has been placed in bona fide consumer use;
5 and

6 H. "used motor vehicle dealer" means a person or
7 business that sells or offers for sale a used motor vehicle
8 after selling or offering for sale four or more used motor
9 vehicles in the previous twelve months but does not include:

10 (1) a bank or financial institution;
11 (2) an insurance company;
12 (3) a business selling a used motor vehicle to
13 an employee of the business; [~~or~~]

14 (4) a lessor selling a leased vehicle to the
15 lessee of the vehicle or to an employee of the lessee of the
16 vehicle; or

17 (5) garage owners and persons licensed and
18 engaged in the business of towing or storing automobiles or
19 furnishing wrecker services engaged in selling a used motor
20 vehicle to recover the cost of repairing, storing or towing
21 that motor vehicle pursuant to the provisions of Sections
22 48-3-19 through 48-3-21 NMSA 1978. "